

**FILED**

**SEP 25 2018**

Clerk, U.S. District Court  
District Of Montana  
Helena

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**BUTTE DIVISION**

IN RE BUTTE SCHOOL DISTRICT  
NO. 1

No. CV 14-60-BU-SEH

This document relates to all actions

Defendants C.S. and Stuart McCarvel have moved<sup>1</sup> to place under seal three neuro-psychological evaluations submitted as exhibits<sup>2</sup> to expert witness disclosures of Dr. Brenda Roche<sup>3</sup> and Dr. Mary Morningstar.<sup>4</sup> Plaintiff Butte School District No. 1 does not oppose the motion.

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<sup>1</sup> Doc. 187.

<sup>2</sup> Doc. 136-5; Doc. 136-6; Doc. 137-20.

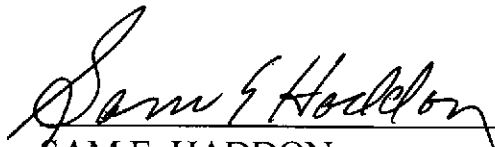
<sup>3</sup> Doc. 136.

<sup>4</sup> Doc. 137.

The evaluations were submitted on October 20, 2017, over 11 months ago. Claimed “oversight”<sup>5</sup> is not an adequate basis upon which to base an argument to seal documents that were made public months ago. Moreover, Defendants intend to elicit testimony from Roche and Morningstar based in part on the evaluations. Principles of fundamental fairness require that materials considered or relied upon by expert witnesses not be shielded from public scrutiny. *See* 5 U.S.C. § 552a(b)(11).

The motion to seal is DENIED.

DATED this 25<sup>th</sup> day of September, 2018.

  
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SAM E. HADDON  
United States District Judge

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<sup>5</sup> Doc. 187 at 2.